

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## ME2 PRODUCTIONS, INC.,

Plaintiff,

V.

DAVE COOPER, *et al.*,

## Defendants.

Case No. C16-1955RSL

## ORDER REINSTATING CLAIMS AGAINST GERALD W. BOERNER

This matter comes before the Court on plaintiff's "Motion to Set Aside Dismissal."

Dkt. # 27. On March 16, 2017, the Court granted an extension of time in which to affect service in this matter. Plaintiff was given “an additional forty-five days, until May 5, 2017, to file proofs of waiver as to all defendants or a second motion for extension of time detailing the efforts made toward effecting personal service.” Dkt. # 11 at 2. Plaintiff failed to timely file proof of service or waiver as to defendant Gerald W. Boerner, and the claims against him were dismissed on May 11, 2017.

Plaintiff has now filed proof that service was in fact achieved within the time allowed. The failure to comply with the Court's order requiring filing by a certain date is nevertheless troubling. Inadvertence in light of the Court's repeated indications that it will strictly enforce the service deadlines does not constitute good cause. Because this is the first time this particular situation has arisen (at least before the undersigned), the motion to set aside is GRANTED. The claims against Gerald W. Boerner are hereby reinstated.

ORDER REINSTATING CLAIMS AGAINST  
GERALD W. BOERNER

Counsel is advised, however, that future failures to comply with service requirements and orders of the Court will not be excused absent good cause.

Dated this 12th day of May, 2017.

Mrs Casnik

Robert S. Lasnik  
United States District Judge